

Transcription of Phone Call with Assistant District Attorney, Mindy

Montford:

Dawn: Hello?

Mindy: Hey stranger.

Dawn: Hey, how are you?

Mindy: I'm good. How are you?

Dawn: I'm good. I know you're busy all the time. I really appreciate you calling me.

Mindy: Oh my gosh, that was so, did you know I was here, because I saw an email that came across that just said, um, concerned citizen, and it had, it said Dawn McCracken, and then it had your area code and number, and I was like, [REDACTED] and then the next, I was like, you know, that's my former sister in law. And –

Dawn: Oh, that's so funny.

Mindy: And then they called over and they're like, no now she called for you. I was, like, but, so I wasn't sure if you knew I was over here or if that was just random?

Dawn: No, I didn't. Well, I'm just now sure how it works, is the answer. I don't really know anything about anything is the answer to that question. So, yeah. I –

Mindy: Well, I'm glad that it worked out because, um, I can probably clear up some confusion on this. Um, and I actually staffed this case, so it's really random that you called, because they brought this case to my attention in a really weird way [REDACTED]

[REDACTED]

1 Dawn: [REDACTED]

2 Mindy: Yeah. Saying no one's called us, no one's updated us, you
3 know, and I said well that's ridiculous, let me look into it. So, when I called over,
4 um, I talked to the detective and then the prosecutor on the case and kind of got
5 more of the story, and then they just kept bringing me in the loop every time they
6 would go, you know, follow up on something, and then they came back, and then I
7 am the one who said at the end of the day I said I don't, I don't see how we can get
8 a guilty verdict on this in front of a jury. Which is always our analysis let me just
9 tell you. Um, you know, we have to look at it from whether we can make a case
10 beyond a reasonable doubt, and it's just a very cerebral way, not an emotional way.
11 A lot of times we may think, you know, this person's guilty, but we don't, we can't,
12 you know, we've just done these for so many years and so long we know what
13 juries say and juries are not always reasonable. Um, and you know, rather than put
14 the victim through all that a lot of times you tell her early on, like, this is what
15 you're going to face, now, and I'm going to go through everything with you, but
16 let me tell you, I – in looking at the notes I'm not sure the detective, and I don't
17 know the detective but I'm not sure he had the best bedside manners.

18 Dawn: Oh my gosh, Mindy, you know what, really truly. Ok, well I'll
19 give you the lowdown here. [REDACTED]

20 [REDACTED]
21 [REDACTED] the
22 daughter Emily, is the most darling sweet, I mean just, she's just the sweetest girl.

23 Mindy: Right.

24 Dawn: And so I had heard about this, and –

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Mindy:

Mindy: Right.

Dawn: Anyway, I didn't even find out about any of this, I kind of just heard that she had been assaulted, and I left a letter for Sarah and I just said I'm just so, so sorry, and I didn't even know what had happened.

Mindy: Right.

Dawn: But, uh, but when I found out about it I – I sent her that letter, and then Sarah called me some days later and just said you know, thank you for the note, it really meant a lot. And then she just kind of, she just, she really just broke down, and I mean, like, just the pain in her voice, there was just no way for me not to, like, envision how it –

Mindy: Do something.

Right. And it's every parent's nightmare. I mean, it is.

1 Dawn: Right. But, then when I was talking to Sarah, what I was going
2 to say is that the – the detective, Dennis Goddard, he was just so not good with her.

3 Mindy: Yeah. And I don't know him. Um, but the prosecutor –

4 Dawn: I don't either, obviously.

5 Mindy: The prosecutor verified that he is not exactly the best. He's a
6 good detective, but he's not good at communicating. And I said well, you know,
7 maybe in these situations we ought to have the prosecutor reach out or the, normally
8 you're supposed to do the victim witness counselor, I don't know if that was done
9 in this case because it –

10 Dawn: I don't either.

11 Mindy: It never even got to our office.

12 Dawn: Yeah.

13 Mindy: So it would have been the APD counselor, but nevertheless it
14 should have been handled better on the back end. Um, like, for example, I talked
15 to David Bryant and probably gave him more information than the daughter gave
16 the family, you know.

17 Dawn: Oh, I'm sure he had been, he really has not been good to them
18 or for them.

19 Mindy: Well, let me tell you kind of, ok, so here's the situation. And
20 there's so much here Dawn, I hate to, like, you know, give you too much
21 information that you don't want, but when we came on board in his office, Margaret
22 Moore, the DA, did not rehire about – I mean, a few prosecutors, but two of them
23 were super involved in, um, sexual assault and assault family violence cases.

24 Dawn: Right.

1 Mindy: They have since turned around and just, like, fought us every
2 step of the way and – and put out, in my opinion, and I know these people, so I can
3 tell you that I’m friends with them and, um, I don’t have an axe to grind with them.
4 But, I don’t like the way they’ve disseminated misinformation because it puts
5 people in this, like, fear mode that’s unnecessary in my opinion. Um, but now
6 they’ve gone around and they’ve basically gotten various victims whose cases we
7 couldn’t prosecute to join a lawsuit. So, they’re suing us, and we’re pretty confident
8 that that’s not going to go forward and have legs, but because they’ve done that and
9 this case is one of the people in the lawsuit, um, and so here we are, and, um, now
10 that they’ve done that, we can’t really share information because we’re being sued,
11 so –

12 Dawn: Right.

13 Mindy: Our lawyers now are telling us you can’t communicate about
14 sexual assault, you can’t do anything until the lawsuit’s dismissed.

15 Dawn: Right.

16 Mindy: So, that’s – I’m telling you that because I, and hang on one
17 second, (inaudible) ok, that sounds good, okay (inaudible). Can you tell him this
18 is probably, I’m going to be on the phone for just a little bit so I can find him after?

19 Mindy: Um, ok, so, um, I would not give what I’m about to give to you
20 to anybody, just anybody. I’m doing it, we go so far back, so I’m going to give you
21 the nuts and bolts of this, but just know I’m not really supposed to be talking about
22 this stuff publically, so if you could keep it, kind of for your information –

23 Dawn: Yeah.

24 Mindy: And then if you need to talk to the family and tell them that you
25 talked to me I would just appreciate if you kept in, like, general terms.

1 Dawn: Yes.

2 Mindy: Plus, because I think they would be mortified about some of this
3 stuff about their daughter, so I don't want, um, I don't want to hurt them any more
4 than they've already been hurt, but, um, anyway, because it's you I'm going to tell
5 you kind of the nuts and bolts of it. Um, so you knew what we were up against.

6 Dawn: Right.

7 Mindy: So this case came in, and I've got all my notes here from, I just,
8 uh, reviewed it yesterday. Alright, so she is apparently in an Uber with her
9 boyfriend.

10 Dawn: Right.

11 Mindy: And I don't remember, there's some fight they have, and it's,
12 it's really weird Dawn, like they end up not in an Uber but, like, somehow they get
13 into this other car, is picking them up, and they're like hey we're going downtown,
14 yeah we'll give you a ride. They don't even know these people. They get in,
15 according to the boyfriend, she's flirting with one of the passengers, with the
16 passenger in the front seat, and it pisses him off so they have a fight. He ends up
17 leaving. She is now with these two guys.

18 Dawn: Right.

19 Mindy: They end up going to some sort of motel where the guys are
20 staying, and they're, like, well, um, you can come back and party with us or
21 something, and I'm paraphrasing, I'm not sure how the conversation went, it's not
22 important. They get there, and –

23 Dawn: But wait, who's talking, is this from the boyfriend's point of
24 view or something?

1 Mindy: Well this is from the detective, so in other words, all the
2 statements combined, this is what we've gathered happened.

3 Dawn: That same th —, the detective, did he get that from the boyfriend,
4 or —

5 Mindy: He got some of it from the boyfriend, he got some of it from her,
6 he got some of it from the driver, and some of it from the passenger.

7 Dawn: Right.

8 Mindy: Um, so, it's like he's interviewed all these people, and at the end
9 of the day, this is what they're bringing us, ok?

10 Dawn: Right.

11 Mindy: Um, like the evidence will show XY and Z. Um, so what, what
12 they're saying happened according to what their investigation revealed, she goes
13 into one hotel room with the passenger. And they're all drinking apparently, of
14 course, you know how that goes. So, you're all drinking, but then — this is where
15 it gets weird, so he says that, he says they have consensual sex, but he can't really
16 get erect so it kind of, like, flails, and they just sort of give up on it. She then leaves,
17 and the, the driver is sitting outside the hotel rooms and sees her come out. There's
18 also hotel video that shows her coming out of that room and then going into this
19 other room. Well, the other room is like some third person who was with all these
20 guys but not in the car, like, so he's kind of with them, I think they're here for some
21 conference or something. She then goes into that guy's room, and they end up
22 having sex, and they're, they're in the shower, they have sex, they're drinking. We
23 see her come out of that room on the video, and she's not upset, doesn't appear to
24 be upset, she then goes and talks to the front desk according to her statement, she
25 goes to the front desk and says I was sexually assaulted. When we interviewed the

1 front desk people they don't remember that. They don't have any, none, none of
2 them could remember her doing that. Um, she then goes across the street and
3 reports it as a rape at, like, that convenience store or wherever she went across the
4 street, they call 911. Um, the detective, so the detective interviews all these people.
5 The driver and the passenger give swabs, uh, consensually, you know, like, hey yes
6 take my DNA. Also, they go in and get a swab from the guy, that, that third guy.

7 Dawn: Right.

8 Mindy: When she was drinking, and then there was a shower and sex,
9 he consents. So, you know, he says we had – we did have consensual sex, and I'm
10 happy to give you my swab. So, everybody cooperates in that regard. They rush
11 the DNA. Oh, she also claims that there was strangulation

12 Dawn: Right.

13 Mindy: By the – so, what she's saying happened is that the guy in the
14 first room sexually assaulted her. She admits she had consensual sex with the guy
15 in the second room, with the shower and all that. She tells the detective I had sex
16 with him and it was consensual. So she's, her, she's saying the guy in the first room
17 who was the passenger in that car originally, is the one who raped her, and then,
18 she also says he strangled her. Um, they go get a second interview from the victim
19 because the first time she was still kind of intoxicated, I mean, you know, she was
20 still, she's tired, she's, um, you know, she's under the stress of everything that
21 happened, so they decide let's go back now that she had sleep and showered and
22 let's get another interview. Her second interview is very inconsistent with the first.
23 It's all over the place. Um, and her timeline's a little weird, but at the end of the
24 day, they go and they get the DNA from the rape kit that was done, and there's only
25 one, the presence of DNA from one male, and it's the guy that she says was

1 consensual. So the guy next door, his DNA is found in her rape kit, ok? But, that's
2 the guy who she says it was consensual, he says it was consensual, there's not a
3 rape there. The other guy, the passenger, there's no DNA. His DNA is not found.

4 Dawn: Right.

5 Mindy: Um, and the strangulation piece, um, she's got a little mark on
6 her neck, but that's it. Now, I'm not saying that can't still be a sign of strangulation,
7 but usually, I mean these cases always are different, but generally you're going to
8 see a little bit different injuries for strangulation, including, um, your eyes have
9 some markings that – um, called petechiae.

10 Dawn: Right.

11 Mindy: You kind of see that and we don't have any of that. Which,
12 that's okay, we prosecute strangulation cases without any physical injuries. Um,
13 but the main thing was what do we do because if you believe the story – and I'm
14 not saying this is not made up, this is made up – but if you believe her version of
15 what happened, then you have to believe the rape happens in that one room, and
16 then she goes and after the rape, has consensual sex with another guy.

17 Dawn: Right.

18 Mindy: So that doesn't, I mean –

19 Dawn: Well –

20 Mindy: I'm not saying there's a right or wrong way to act after you've
21 been assaulted, but –

22 Dawn: No, I totally, you know, it's interesting to hear it from you
23 because obviously this is the story that you've gotten from Dennis Goddard.

24 Mindy: Well, and from the prosecutor.

25 Dawn: And from the prosecutor.

1 Mindy: She's gone through and researched it.

2 Dawn: Well, but I'm wondering if the weak link in all this, because a
3 lot of the stuff that I'm – I'm hearing from you was different than what, you know,
4 I – I heard from –

5 Mindy: Sure.

6 Dawn: From Sarah, and you know really her problem was, she was
7 saying the whole time that he was, that the detective was very dismissive and
8 belittling, and you know –

9 Mindy: Well, that's not good.

10 Dawn: Like, I know when he, like, said he was going to do the, the
11 second interview, he had told her something about it would be in a, you know, in a
12 room where it wouldn't be, like, where there would be windows and a door – you
13 know, where it wouldn't be like an interrogation room where she wouldn't feel
14 boxed in like that. But, then when he did the interview he did take her into the, um,
15 like an interrogation room, you know what I mean, like –

16 Mindy: Mm. hmm. Mm. hmm. Like, she's accused, like she's the
17 suspect.

18 Dawn: Right, and I mean obviously, you know, from my perspective
19 all, all I have is, you know, my darling friend who this has happened to her daughter,
20 and I'm just like. I mean, Mindy, I cannot tell you that, that kind of pain in her
21 voice, just – it just shook me. And, it really all I had, I was like I, you know, I felt
22 so helpless and just so, like, unable to, like, even absorb what happened. I was,
23 like, the only person I know that would know anything about any of this is Mindy
24 Montfort, and I didn't – I didn't even tell her that. I didn't tell her, I didn't tell
25 Kevin or anyone. I was, like, you know what, I'll just call Mindy on a whim and

1 see if she'll talk to me about it. And you're --you're really so sweet to do this
2 Mindy, it really does mean a lot.

3 Mindy: Oh, I'm happy to because look, I -- I feel her pain. I mean, God
4 you know, I -- that's a parent's worst nightmare.

5 Dawn: It is. That's right, that was what I was, I was, like, this is literally
6 my worst nightmare. But honestly from, from talking to you it, it sounds like the
7 detective was, I -- I don't, you know, like I said I'm not in any position, like, legally
8 to know how any of this stuff works. You are, but what I heard did not match.

9 Mindy: What you heard, and, and let me tell you this. Um, I don't know,
10 I never had any communication with the family. I do know the prosecutor has
11 reviewed this independently, so it's not like she's relying on what Goddard's telling
12 her. Like, she's looked at the statements. Um, the hotel surveillance video is
13 documented, but by the time they went back and got it, the hotel had already
14 recorded over it, but I think one of the initial prosecutors actually sat there and
15 watched it with the detective, so all of this stuff is corroborated. Um, the DNA, all
16 of that, she's looked at everything. Um, what I don't know, Dawn --

17 Dawn: Did they take evidence or anything from the room or things like
18 that?

19 Mindy: Um, I don't know if they collected, you see they wouldn't have
20 done that in the second room because once both parties say it's consensual they're
21 not going to take any evidence out of that, other than his DNA. Um, on the first
22 room, I don't know that, I could find that out. I don't remember hearing that in the
23 staffing. Um, and you know, that's a problem we have on a lot of these, um, cases
24 is the defense, whether it's true or not, they usually say it's consensual, right? So,
25 in other words, of course you're going to find my DNA because we had consensual

1 sex, so, you know, so the DNA becomes a little bit less significant because he's
2 going to claim of course my DNA is in there. So, really what you're stuck with is
3 whether or not she consented to it. And so, sometimes the physical evidence like
4 in the room would be important to show a struggle.

5 Dawn: Right, to show a, a struggle or yeah, just –

6 Mindy: But what's weird, Dawn, is that you still have to get over the
7 hurdle with the jury

8 Dawn: Right.

9 Mindy: Of her leaving that room, which is on video, going to the second
10 room and admittedly having consensual sex after she was just raped.

11 Dawn: Right,

12 Mindy: And, you know –

13 Dawn: Well and, and like I said that, that was, that was different than,
14 than what I had understood, you know,

15 Mindy: Yeah.

16 Dawn: And so I'm not sure.

17 Mindy: Well, I don't know if he explained all of that because sometimes
18 you don't want to tell, you know, in a way he's probably trying to protect her to
19 some degree and not share all this with her parents, you know. Um, I don't know
20 how much he shared.

21 Dawn: Well, no, I yeah. When I, when I talked to Sarah. You know,
22 I've talked to her several times, and so really it's just been kind of, like, when I'm
23 talking to her it's just been little pieces of this and that here and there

24 Mindy: Right, right.

25 Dawn: That will come out, you know what I mean –

1 Mindy: Right.

2 Dawn: And so, like, every time I talk to her, I'll hear, you know, another
3 part of something that I, I didn't know before that's, you know, it's – it's just hard
4 to absorb the whole thing, you know.

5 Mindy: Yeah. Yeah. And that's why I wanted to give you all of this
6 stuff I'm not allowed to talk about right now, but I wanted you to have it because
7 you've got to have some perspective, right? I mean you're getting, you're hearing
8 all this and then you're like, and then they didn't prosecute her what the hell? And,
9 you know, so I wanted you to hear the other side of that because we're not going to
10 put her through a trial when you're going to have a bunch of assholes on a jury
11 judging her and then coming back and saying not guilty. I mean, I – we're not
12 going to be able to get over that hurdle. Um, the fact that she goes right next door
13 and now, if she was saying it wasn't consensual, that's one thing.

14 Dawn: Right.

15 Mindy: But she says it was consensual.

16 Dawn: And, and, and she said it was consensual to who? Dennis
17 Goddard or to the prosecutor or both?

18 Mindy: She gave a statement. So, in both of her statements it was
19 consensual sex in the second room. And, I don't even think she mentioned that in
20 the first interview, I have to go back and check this, but once they talked to the guy,
21 they got an interview and a swab from him.

22 Dawn: Uh, huh.

23 Mindy. They went back to her and she said, yes that's true. I don't
24 remember if that's if she told it in the first statement, the second or both –

25 Dawn: Right.

1 Mindy: But she definitely says it was consensual. Um, and then, of
2 course, you have the DNA issue where you've got the first, the consensual guy's
3 DNA and we don't have any DNA from the first. That's not, like, if we just had
4 that, it's not like we wouldn't prosecute it because sometimes you're not going to
5 leave DNA, especially if he says he couldn't make it work. Uhh –

6 Dawn: Right. Or, or if they're just doing other things that aren't leaving
7 –

8 Mindy: That's exactly right.

9 Dawn: That kind of evidence behind.

10 Mindy: Digital, digital penetration, or something like that, yeah.
11 Although, sometimes you'd still have it with that, but no, yeah, exactly. Um, so
12 when they bring all this to us, I mean we just had, that's just, you know, when
13 you're staffing these this is the kind of stuff, we deal with every day, and of course
14 I don't know who this person is, right? I mean, I didn't know that you knew the
15 family. Not that that would have changed it but –

16 Dawn: No, no I –

17 Mindy: Um, but, so we staff it and it's just a very cerebral legal analysis
18 over here, and –

19 Dawn: Right, yeah. No, you know, I understand that's your job, you
20 know, that, that's what you do every day, you know, and –

21 Mindy: But, I don't think the family has been fairly communicated with
22 from what I'm hearing and sensing.

23 Dawn: Oh, I mean, yeah, like, like really, you know, whenever,
24 whenever I've talked with her, Dennis Goddard has really just not been. They
25 didn't, you know, they didn't ever feel like he was really taking it seriously

1 Mindy: Mm. hmm, mm. hmm.

2 Dawn: Or really invested in, in helping her in any way, um, but –

3 Mindy: And you know, and, and that's the problem, Dawn. I mean it's,
4 like, half the time when I have these conversations with victims' families, they're
5 not happy, but they're like thank you so much for just laying it out and being honest
6 with us.

7 Dawn: Oh, yeah.

8 Mindy: Of course, we're disappointed but, you know, and I don't know
9 that they were ever treated that way. I don't know one way or the other. It sounds
10 like they were not. And, if there wasn't a damn lawsuit in place and they're one of
11 the plaintiffs –

12 Dawn: Right.

13 Mindy: I'd be sitting down here talking to them right now just like I'm
14 talking with you.

15 Dawn: Right, yeah.

16 Mindy: Um, and by the way, I'm happy to do that after the lawsuit is
17 over. You know, once there's no exposure on either side, I'm happy to sit down
18 and talk with them.

19 Dawn: Well, yeah and, I mean you know, it's one of those things where
20 I do, you know, I – I have to think that, you know, if you had been able to meet
21 Emily that it would have just been such a different, but I, I know that things are
22 now not in a place where that could happen like that now, but, um –

23 Mindy: Well, and I also would be interested if, if – I don't know much
24 they weren't sharing with the family to protect her. Um, so I'd be interested in
25 talking to her, you know, in a one-on-one.

1 Dawn: Right.

2 Mindy: And then asking what we could share with the family.

3 Dawn: I see what you're saying.

4 Mindy: It's almost better –

5 Dawn: Yeah, no I, understand, that really is very delicate, you know.

6 Mindy: Well, it's almost better to have the family pissed off at us rather
7 than disappointed in her, you know.

8 Dawn: Absolutely.


9 Mindy: And her decisions, like I'd rather take the heat on that all day
10 long.


11 Dawn: Yeah, no I know what you're saying, it really does. Well, you
12 know, I mean it does help talking to you because I'm, like, you know – yeah, for
13 me it doesn't make sense at all because I don't, you know, I don't deal with this all
14 day and, um, you know, you – you really are very sweet to call me and talk to me
15 about it.


16 Mindy: Anytime.

17 Dawn: It's just, it's just been weighing on my mind, and I wanted, you
18 know –


19 Mindy: Sure.


20 Dawn: 

21 Mindy: 

22 Dawn: 

23 him.

24 Mindy: 

25 Dawn: 

1 Mindy:

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9 Dawn: Well, so part – when, when I’m talking to you about some of this
10 stuff I mean, what? If you were me and you’re in this position,

11 Mindy: Mm. hmm.

12 Dawn: You know –

13 Mindy: What do you do?

14 Dawn: Yeah, what. I, I really, I’m really struggling with, you know, I
15 want to be helpful and I want to, you know, help her to find some kind of peace on
16 this and then, you know, I don’t know what’s helpful to share, what’s not helpful
17 to share. It’s, you know –

18 Mindy: Well, here’s what I would say to that, because I think you have
19 a little bit of cover in that there’s a lawsuit, right? So, I think you can say, you
20 know, that you called me and you heard it from the horse’s mouth, you know, what
21 happened, and that I’ve offered to sit down and talk with them, but I can’t do it
22 while the lawsuit’s pending.

23 Dawn: Right.

24 Mindy: And, I can’t even talk about the case with you. But, that in
25 general terms, we had a conversation.

1 Dawn: Right.

2 Mindy: And –

3 Dawn: No, I can say this is a personal conversation, not like a business
4 conversation –

5 Mindy: Exactly –

6 Dawn: You know.

7 Mindy: And, you know, that, that I think the big thing is, I'm willing to
8 share a lot of these details when and if the time is right with them. I, you know, I
9 want to talk to her first, obviously.

10 Dawn: Do, do you think there is any chance that, uh, Dennis Goddard
11 was –

12 Mindy: Oh, I'm going to share what you're telling me with his, um,
13 supervisor for sure.

14 Dawn: Do, do you think there is any chance that some of this stuff that
15 he put in there may have been inaccurate or tilted?

16 Mindy: No, I don't see him as a – according to the prosecutor who, she's
17 there daily staffing these cases, and so she knows all of them. She's, she is not
18 saying that he's a bad cop. She's saying she doesn't know that he has the best
19 communication skills. And I can see him treating her in a way where she felt not
20 like a victim but more like an accused, and that's not right, and I think we need to
21 have a little training and, and also talk to the supervisors about how some of these
22 officers are dealing with these cases. But, no, I don't think he is the type of cop
23 that is going to make up something and put it in a report. I mean, because like for
24 example, she has to give a statement and then she gets to review it and then she

1 signs it like to say this is accurate. And, a lot of this stuff is recorded, too, at the
2 time.

3 Dawn: Right.

4 Mindy: So I, the – the prosecutor has not given me any indication that
5 she thinks something shady went down. Now, if I had a candid conversation with
6 the daughter at some point and she tells me I never said that or I never, you know.

7 Dawn: Right.

8 Mindy: Then we might have an issue. But, I don't think she's going to
9 say that because what, what the prosecutor told me is when they told her about the
10 problems with the case, she was not happy but was at peace with it. Kind of like,
11 ok I get it. And then it was the family who started calling and, you know, so I'm
12 not saying she was or wasn't upset that, you know, that we declined prosecution,
13 but at the time, she was apparently at peace with it – is what I was told. And –

14 Dawn: Wow.

15 Mindy: I don't know if, like, the family gets wind of it and they don't
16 really know all the details, so then of course they're going to react the way they've
17 reacted, which I get.

18 Dawn: Right, yeah. I mean, you know, there's obviously a lot of, you
19 know, discrepancies there.

20 Mindy: Mm. hmm, mm. hhm. So, the key is probably for me to have a
21 conversation with her at some point one-on-one.

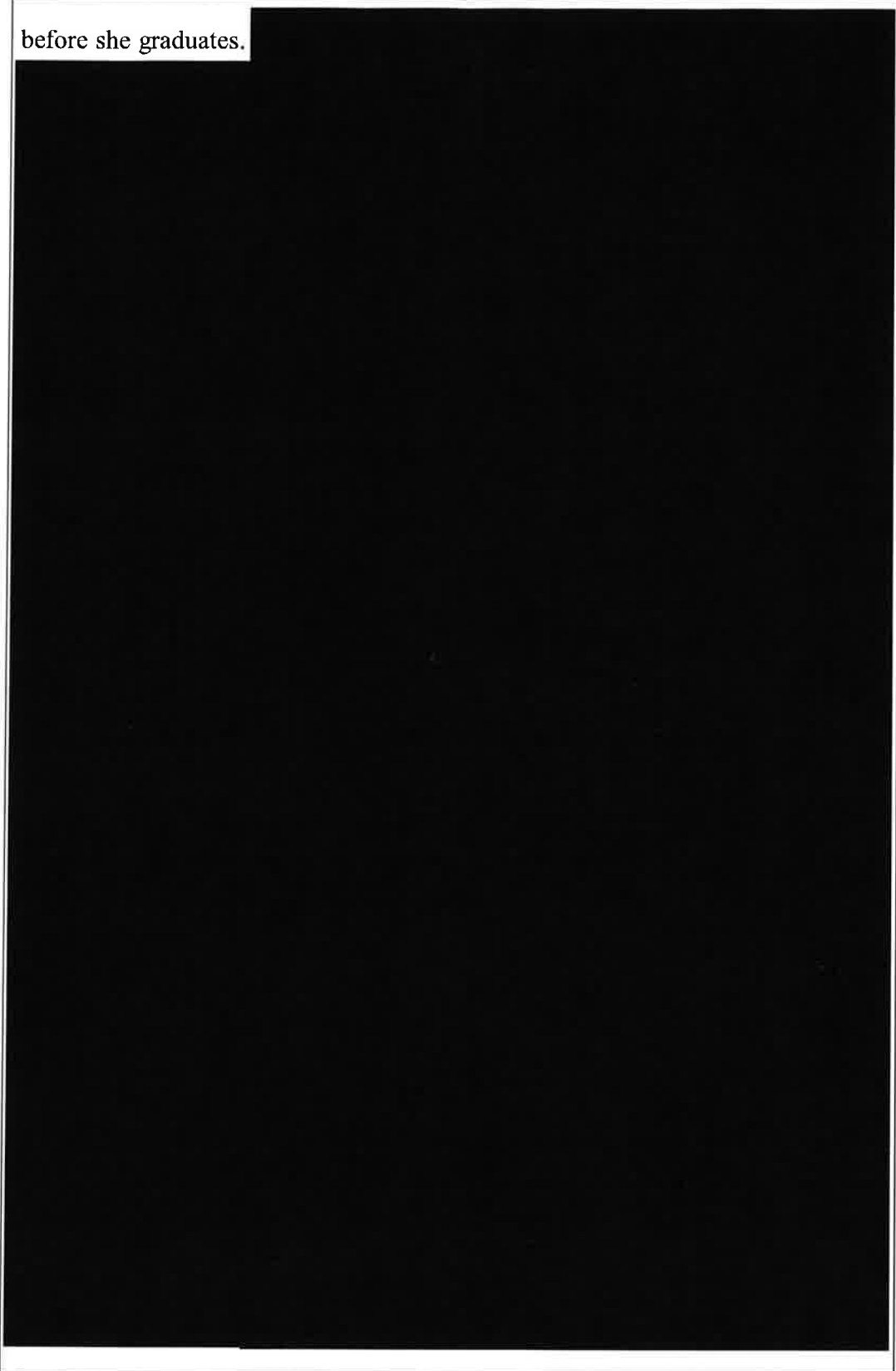
22 Dawn: Yeah, which really –

23 Mindy: If she wants to. She may be, like, I'm done, you know.

24 Dawn: Well, you know, I mean after, after this happened, you know,
25 she dropped out of UT. It was her last, you know, it was her last semester there

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before she graduates.



1 Mindy:

2 Dawn:

3 Mindy:

4 Dawn: Oh yeah, of course. Well, thanks for talking to me about this,
5 Mindy. I don't, you know, it's just – it's just been so sad and heartbreaking for me
6 that I –

7 Mindy: Sure.

8 Dawn: You know, I just didn't know how to even find out more about
9 it, but I really appreciate you, you know, taking the time to discuss it with me and
10 –

11 Mindy: Well, any time. I mean, I'm hoping this never happens again
12 where we have to talk like this, but if it ever does, please don't ever hesitate, you
13 have my cell phone now, so –

14 Dawn: Yes.

15 Mindy: You know, and in the process of all this as you're talking to
16 them, you need follow up, just call me and, um, you know, like I said, I'm happy
17 to sit down with them after that lawsuit's over.

18 Dawn: Right. Yeah, well I will certainly pass that along. I know
19 they're, you know, just kind of, just struggling, trying to, you know. I think they're
20 just trying to get their feet back on the ground and not, um, it's, it's just starting to
21 settle in and they're getting a little bit of normalcy back, you know.

22 Mindy: Sure.

23 Dawn: But, uh, anyway thank you so much for talking to me about it
24 and, you know –

25 Mindy: Absolutely.

1 Dawn: I – I will call you again if I think of something that I didn't, you
2 know, ask you about or say something that I meant to because, you know, it's all
3 just stirring around in my head and, you know, obviously some of that stuff I didn't
4 expect to hear, and you know. Anyway, it's just – it's just an awful situation to
5 happen to her or to anybody.

6 Mindy: Oh yeah, I mean you having to watch their pain, you know, and
7 someone you've known forever [REDACTED]

8 Dawn: Yes. Yeah, there's just –

9 Mindy: I get it all day long.

10 Dawn: – no way for me not to, like, suddenly just go that could be one
11 of my kids.

12 Mindy: Right.

13 Dawn: Just instantly, you know, getting into like a ride share or
14 whatever, but um –

15 Mindy: Right.

16 Dawn: You know. I was going to ask you something else, but I forgot
17 what it was, but anyway, if I do happen to remember it later I will call you –

18 Mindy: Let me know.

19 Dawn: – or text you or whatever.

20 Mindy: Yeah, for sure. I'm around and, um, don't be a stranger.

21 Dawn: I won't. You know, I'm glad to hear that, you know, you'll be
22 running for DA, yeah? And hopefully –

23 Mindy: Shoot, I don't know. It's a long time away, but maybe.

24 Dawn: Well, but you know, I really wish there was someone that had
25 more of a – you know, because I was just really glad to hear you say that you're

1 really disappointed that she let a lot of those people go that were part of taking care
2 of the sexual assault cases, you know what I mean?

3 Mindy: Well, and let me be clear. I mean, um, I wasn't disappointed she
4 let them go. I understood her reasons for it.

5 Dawn: Right.

6 Mindy: I, um, I guess what I was – because I don't want to be disloyal
7 to her.

8 Dawn: Yeah, yeah.

9 Mindy: Um, I think that, um, I have been disappointed in how they've
10 reacted to that in, in ways that I don't think are appropriate for victims, but, um, I
11 understand they're pissed off. So, you know, they want to – they're dealing with it
12 the way they want to deal with it. I just think they've kind of unnecessarily, um,
13 created fear in people, and I don't, I don't think they've handled things the right
14 way. So, I'll say that.

15 Dawn: Well, I – I get the feeling you would be more aggressive about
16 it. I'd like to think that.

17 Mindy: Yeah, well, I think our DA has done a great job, I really do. And
18 I think she's, um, revamped a lot of the programs where – for example, we have
19 these prosecutors over there to staff these cases upfront, you know, so that we're
20 not, you' now we're trying to make the best cases we can from day one.

21 Dawn: Yeah.

22 Mindy: And so that – 'cause we know what the juries are going to throw
23 at us, and they're crazy Dawn, they're insane. We had this one case where it was
24 a stranger rape. And it was a CODIS hit, and CODIS is the database where if you
25 have an unsolved case you put – you upload the DNA and so at some point if that

1 person is ever arrested on something else, then the DNA is uploaded again then it
2 matches, and you can now go back and prosecute the original.

3 Dawn: Right.

4 Mindy: Ok. So we had a hit, a CODIS hit. Great case, and the jury, and
5 it's always the women, two women jurors, they found this guy not guilty. And,
6 they go back and they tell our prosecutor, well, I mean, she said she was raped
7 because why would she ever have consensual sex with a tampon in? And, we've
8 had sex a lot of times with tampons in.

9 Dawn: What?

10 Mindy: We were, like, really are you kidding?

11 Dawn: That is not what I expected you to say.

12 Mindy: No, that's what I'm talking about. We've got the most
13 judgmental jurors. It's out of control.

14 Dawn: That's so disappointing.

15 Mindy: And that poor victim, because we'd been telling her this is a
16 great case. You know, this son of a bitch is going to fry, you know, I mean. And
17 then, it's not guilty.

18 Dawn: Well, you know, but – but, at least you went to bat for her, you
19 what I mean?

20 Mindy: No, we did, we did. And I guess my point in that is just we see
21 so much of that, that it just becomes like second nature and I think sometimes we
22 forget that the victims aren't used to that system, right? So, we have to really sit
23 down and walk them through what it's going to look like.

24 Dawn: Right.

1 Mindy: Because I don't think she wanted – I think in hindsight, she
2 would have just rather not even prosecuted it. Because she had to be on the stand,
3 go to cross-examination, she had to face him again. And then he wins, and then
4 you get the jurors saying that crap.

5 Dawn: Yeah, that's so disappointing.

6 Mindy: Yeah, and we hear it all the time.

7 Dawn: I know.

8 Mindy: Why would she put herself in that situation? She was drunk, and
9 I mean, she, she was there. And she was partying and she asked for it, and –

10 Dawn: I realize, yeah I would hate to think that every time I, I grabbed
11 a glass of wine that gave someone license to forcibly rape me, you know.

12 Mindy: Apparently, some people think you've set yourself up.

13 Dawn: Right.

14 Mindy: Shit, that could be me every Saturday night, then.

15 Dawn: Right? Apparently, I've been getting very lucky not getting,
16 right?

17 Mindy: I guess so.

18 Dawn: Well, anyway,

19 Mindy: So, anyway.

20 Dawn: I, I will pass along, you know, to Sarah that, you know, you
21 would be interested in talking to Emily when, you know, the, the lawsuit is no
22 longer an issue for you. Um, but you know, I, I just appreciate you taking the time
23 to call me on it and, you know –

24 Mindy: Of course.

1 Dawn: It's just, it's so disturbing on all sides, I'm just trying to absorb

2 –

3 Mindy: Yeah, I know. That's what I'm saying. You may have more
4 questions when you absorb it, so just keep my number handy.

5 Dawn: Alright, thanks so much Mindy, I appreciate it.

6 Mindy: Hey, listen I'm sorry it was under these circumstances –

7 Dawn: Me, too.

8 Mindy: But it was really good to hear from you.

9 Dawn: Me, too. Yeah, it was good to hear from you, too. Alright, we'll
10 talk soon.

11 Mindy: 

12 Dawn: I will. Alright, bye Mindy.

13 Mindy: Ok. Alright, bye.

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